

OHIO ADMINISTRATIVE CODE
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5120 DEPARTMENT OF REHABILITATION AND CORRECTIONS - ADMINISTRATION AND DIRECTOR
Chapter 5120-9 Use of Force; Institutional Rules

OAC Ann. 5120-9-20 (Anderson 2004)

5120-9-20 Visits by attorneys and inmate access to legal services.

(A) Attorney visits

(1) Attorneys of record may visit inmates during regular visiting hours. Where there is no evidence of an attorney of record or when an attorney other than the attorney of record requests visiting privileges, the attorney must provide a copy of a written statement, redacting any confidential or privileged information, from the inmate or a member of the inmate's family requesting his legal services. An attorney wishing to visit may be required to furnish proof that he is licensed to practice law.

(2) When an attorney requests to visit with his clients on weekends or after regular visiting hours, at least one-day, advanced notice to the managing officer shall be made by such attorney. In the event an attorney is present at an institution and desires additional time (beyond regular visiting hours) to visit with his client(s), the attorney shall request such additional time from the managing officer. Such request shall be made within a reasonable time prior to the expiration of regular visiting hours. Such requests shall be liberally granted when the attorney can show sufficient reason why such visits are necessary.

(3) Law students, legal interns or legal investigators must be under the direct supervision of an attorney who shall be responsible for the activities of such person. Before admission to the institution is granted, that person must produce a written statement containing all of the following information:

- (a) Name of the student, intern or investigator.
- (b) Name of the law school or program, if applicable.
- (c) Name and address of the supervising attorney.
- (d) Name of the inmate-client to be interviewed.

(4) Visits by attorneys, law students, legal interns, and legal investigators may be partially curtailed or totally banned during the existence of a critical incident as determined by the managing officer. However, the managing officer may, if security permits, authorize visits by attorneys during a critical incident in the following situations:

- (a) A personal interview of the inmate is absolutely necessary because of a rapidly approaching court date for which a continuance cannot be obtained.
- (b) Legal aid is necessitated by the conditions which caused the critical incident.

(5) Visits by attorneys will take place in a room designated for that purpose, subject to being visually monitored, but conversations shall not be monitored.

(6) An attorney of record may be permitted to visit up to three inmate-clients at one time, unless it is the opinion of the managing officer that such visit would be inappropriate due to an existing situation at the institution. In such event, the attorney shall be so notified and other arrangements made.

(7) Where an attorney requests to visit with a large number of inmates (e.g., cell-block or dormitory) who he does not explicitly represent, and who he does not name individually, the attorney shall be requested to submit in writing the names of those persons he wishes to meet. If the attorney is unable to produce the names of such inmates, he shall be given a reasonable amount of time to gather such information. Subsequent to the receipt of such names, a staff member shall contact each inmate so named and inform him of the presence of the attorney and of the attorney's request to visit with him. The inmate shall be asked if he desires to meet with the attorney. If the inmate declines, the inmate shall be asked to sign a statement to that effect and it shall be witnessed by a staff member. Under no circumstances shall an inmate be harassed, intimidated or in any manner influenced with regard to such a request. Any document so executed shall be immediately forwarded to the managing officer who shall forthwith have it placed in the inmate's file. The attorney shall also be shown this document upon request.

(B) Inmate access to legal services

(1) It is the policy of the department of rehabilitation and correction to permit inmates reasonable access to legal materials and a reasonable opportunity to prepare legal documents.

(2) Inmates in local control, protective control, administrative control, and security control shall be afforded the same access to legal materials as those in general population, except that they may not go to the law library. In the event an inmate is not permitted access to the law library premises, legal materials shall be provided to the inmate on a reasonable basis. Such inmates may have such assistance from other inmates as is authorized by the managing officer.

(3) Each institution shall establish a schedule of library hours when legal materials can be used. Where possible, evening and weekend hours shall be provided.

(4) An inmate shall be permitted to purchase law books unless there is a compelling reason why he should not be able to do so.

(5) Inmates shall be permitted to assist each other in the preparation of legal documents. However, it shall be a violation of institutional rules for an inmate to charge a fee of any kind for such services.

(6) Inmates shall be permitted reasonable access to typewriters or may be assigned an inmate-clerk for the typing preparation of legal documents.

(7) Inmates shall be permitted to contact attorneys to secure legal representation. The payment of attorney fees is a matter between attorney and client. Inmates who want to make confidential attorney-client telephone calls should make such requests to the managing officer or designee.

(8) Each institution shall make available to its inmates a legal kit which shall be sold through the commissary.

History

Eff 9-9-73; 12-21-76; 1-8-91; 6-10-92; 7-18-97; 12-31-00

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